

COMPLAINT INVESTIGATION SUMMARY

COMPLAINT NUMBER: 1696.01
COMPLAINT INVESTIGATOR: John Hill
DATE OF COMPLAINT: February 20, 2001
DATE OF REPORT: March 13, 2001
REQUEST FOR RECONSIDERATION: no
DATE OF CLOSURE: May 14, 2001

COMPLAINT ISSUES:

Whether the Portage Township Schools and the Porter County Education Interlocal violated:

- 511 IAC 7-27-2(a) with regard to the school's alleged failure to schedule the case conference committee (CCC) meeting at a mutually agreed upon date and time.
- 511 IAC 7-27-2(c), 511 IAC 7-27-2(d) and 511 IAC 7-17-3 with regard to the school's alleged failure to provide the parent with adequate notice of the CCC meeting.
- 511 IAC 7-22-1(d) with regard to the school's alleged failure to provide the parents with a copy of the notice of procedural safeguards at the time of notification of the CCC meeting.

FINDINGS OF FACT:

4. The Student is a three-year-old, early childhood student who has been determined eligible for special education and related services due to Multiple Disabilities.
5. The Student's parent contacted school staff on November 3, 2000, and informed them that they had a three-year-old child with multiple disabilities and would be moving into the district in early December 2000. The school informed the parent to contact the school after relocating and a CCC would be scheduled. The parent contacted the school on December 6, 2000, and advised that they had moved from Tennessee to Porter County.
6. The school scheduled a CCC meeting for January 3, 2001, without confirming with the parent that the date and time were acceptable.
7. The school failed to provide written notification to the parent of the CCC meeting scheduled on January 3, 2001.
8. The January 3, 2001, CCC meeting was canceled when the parents failed to appear. The school and the parent mutually agreed to reschedule the CCC meeting for January 8, 2001.
9. The school failed to provide the student's parent with written notification and a copy of the notification of procedural safeguards prior to the January 8, 2001, CCC meeting.
10. The school provided the parent with a copy of the notification of procedural safeguards at the January 8, 2001, CCC meeting.

11. The local Director of Special Education sent a memo to the local agency administrative and clerical staff on March 2, 2001 informing them of the following Article 7 requirements:
- 511 IAC 7-27-2(a) regarding scheduling the case conference committee (CCC) meeting at a mutually agreed upon date and time;
 - 511 IAC 7-27-2(c), 511 IAC 7-27-2(d) and 511 IAC 7-17-3 regarding providing the parent with adequate notice of the CCC meeting; and
 - 511 IAC 7-22-1(d) regarding providing the parents with a copy of the notice of procedural safeguards at the time of notification of the CCC meeting.

CONCLUSIONS:

1. Finding of Fact #3 establishes that the school failed to schedule the January 3, 2001, CCC meeting at a mutually agreed upon date and time. Therefore, a violation of 511 IAC 7-27-2(a) is found. However, Findings of Fact #5 and #8 reflect that the school subsequently rescheduled the CCC at a mutually agreed upon date and time, and staff have been reminded of the requirements of 511 IAC 7-27-2(a). Therefore, no additional corrective action will be required.
2. Findings of Fact #4 and #6 demonstrate that the school failed to provide the parent with written notice of the January 3, 2001 and the January 8, 2001, CCC meetings. Therefore, violations of 511 IAC 7-27-2(c), 511 IAC 7-27-2(d) and 511 IAC 7-17-3 are found. However, Finding of Fact # 8 indicates that the school has reminded the staff of the requirements of 511 IAC 7-27-2(c), 511 IAC 7-27-2(d) and 511 IAC 7-17-3. Therefore, no additional corrective action will be required.
3. Finding of Fact #6 demonstrates that the school failed to provide the parent with a copy of the notice of procedural safeguards at the time of notification of the January 8, 2001 CCC meeting. Therefore, a violation of 511 IAC 7-22-1(d) is found. However, Findings of Fact #7 and #8 reflect the school subsequently provided a copy of the procedural safeguards to the parents, and that the school has informed the staff of the requirements of 511 IAC 7-22-1(d). Therefore, no additional corrective action will be required.

The Department of Education, Division of Special Education requires no corrective action based on the Findings of Fact and Conclusions listed above.